

**REMARKS**

Claims 1-9 and 12-27 are pending in the above-identified application.

In the Office Action, Claims 1-9 and 12-27 were rejected.

In this Amendment, Claims 1, 8, 16, 22, and 26-27 are amended, Claim 28 is added, and Claim 25 is cancelled.

Accordingly, Claims 1-9, 12-25, and 26-28 are now at issue.

**I. Objection To Claims**

The objection to claim 25 is now moot in view of its cancellation.

**II. 35 U.S.C. § 112 Indefiniteness Rejection of Claims**

Claims 22 and 25 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

The claim objection is now moot in view of the amendment to Claim 22, and the cancellation of Claim 25.

Claim 23 was rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for having a stopper along a plurality of trains, does not reasonably provide enablement for having a stopper between first and second trains wherein there are no trains between the first and second trains.

This claim 23 rejection is also moot in view of the amendment to Claim 22.

Claims 25-27 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This claim rejection is also moot in view of the cancellation of Claim 25, and the new dependency of Claims 26 and 27 upon Claim 1.

### **III. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1-3, 5-7 and 25-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO '008 in view of U.S. Patent No. 5,819,917 (Nicholson) and U.S. Design Patent No. D 433,562 (Redlinger), all of record.

Claim 1 is directed to a battery storage case, which includes a main body and a lid portion.

As amended Claim 1 recites that the outer surface of the main body is elastically inwardly deformed and the lid portion is elastically outwardly deformed when the main body is inserted into or extracted from the lid portion whereby the first projection train and the second projection train contact the third projection train during the insertion and the extraction.

Applicants submit that none of the cited references, taken singly or in combination, teach or disclose the elastic deformation of the main body and the lid portion when they are made to engage each other.

In contrast, WO '008 teaches that "the sleeve 1 is placed on the sleeve 2 such that the projections 6, which have earlier been turned about their longitudinal axes so as to be located immediately above the channel 9, will enter the channel, which thereby guides the projections 6 without resistance or hindrance" (See page 3, lines 32 – 36). WO '008 further teaches that "when it is no longer possible to telescope the sleeves, the sleeve 1 is turned about their longitudinal axes in relation to the sleeve 2 so that the projections 6 will pass over the ridge 10, while deforming elastically the wall of one or both sleeves, where after the projections 6 move radially inwards between two projections 11 and the sleeve wall or walls return elastically to their original state (See page 4, lines 2 – 9, and Abstract). Thus, WO '008 teaches that the wall of one or both sleeves is elastically deformed when the projections 6 are proceeded lengthwise over projections 11 during an engagement or disengagement of the sleeve 2 with the sleeve 1.

Moreover, Nicholson teaches that both sleeves are threaded. As such, no deformation of the sleeves occurs when they are threaded to each other. In Redlinger, no projection trains are taught or disclosed.

Thus, the cited references, taken singly or in combination, teach or disclose that the outer surface of the main body is elastically inwardly deformed and the lid portion is elastically outwardly deformed when the main body is inserted into or extracted from the lid portion

whereby the first projection train and the second projection train are proceeded over the third projection train..

Thus, Claim 1 is allowable over WO ‘008 in view of Nicholson and Redlinger.

Claim 23 was rejected under 35 U.S.C. 103(a) a being unpatentable over WO ‘008 in view of U.S. Patent No. 5,819,917 (Nicholson) and U.S. Design Patent No. D 433,562 (Redlinger) as applied to claim 1 above and in further view of U.S. Patent No. 5,829,591 (Lyons). Claim 23 is dependent on Claim 1 show above to be allowable over WO ‘008 in view of Nicholson and Redlinger. Thus, Claim 23 is allowable over WO ‘008 in view of Nicholson and Redlinger and in further view of Lyons.

Claims 1-7 were rejected under 35 U.S.C. 103(a) a being unpatentable over Rosler in view of U.S. Patent No. 5,819,917 (Nicholson) and U.S. Design Patent No. D433, 562 (Redlinger), all of record. Rosler discloses a packing container formed of a pair of cylindrically shaped axially elongated hollow bodies with one fitting telescopically into the other. Further, threads formed on the inner surface of the outer hollow body are threaded onto teeth of the inner hollow body. Moreover, both threads and teeth extend at the same oblique angle to the longitudinal axis of the hollow bodies. Thus, Rosler fails to teach or suggest that the two hollow bodies elastically deform when the threads engage the teeth during the telescopic fitting of the two hollow bodies.

Thus, Claim 1 is allowable over Rosler in view of Nicholson and Redlinger, as are dependent Claims 2–7 for at least the same reasons.

Claim 23 was rejected under 35 U.S.C. 103(a) as being unpatentable over Rosler in view of U.S. Patent No. 5,819,917 (Nicholson) and U.S. Design Patent No. D 433,562 (Redlinger) as applied to claim 1 above and in further view of 5,829,591 (Lyons).

Claim 23 is dependent on Claim 1 show above to be allowable over Rosler in view of Nicholson and Redlinger. Thus, Claim 23 is allowable over Rosler in view of Nicholson and Redlinger and in further view of Lyons.

Claims 16 and 18-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rosler in view of Nicholson. Claim 16 recites the same distinguishable limitation as that of Claim 1. Thus, Claim 16 is allowable over Rosler in view of Nicholson, as are dependent Claims 18-20.

Claims 16 and 18-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO ‘008 in view of Nicholson. Claim 16 recites the same distinguishable limitation as that of Claim 1. Thus, Claim 16 is allowable over WO ‘008 in view of Nicholson, as are dependent Claims 18-20.

Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Rosler in view of Nicholson as applied to claim 16 above and in further view of U.S. Design Patent No. D 433,562 (Redlinger). Claim 17 is dependent on Claim 16 show above to be allowable over Rosler in view of Nicholson and Redlinger. Thus, Claim 17 is allowable over Rosler in view of Nicholson and Redlinger.

Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over WO ‘008 in view of Nicholson applied to claim 16 above and further in view of U.S. Design Patent No. D 433,562 (Redlinger). Claim 17 is dependent on Claim 16 show above to be allowable over WO ‘008 in view of Nicholson. Thus, Claim 17 is allowable over WO ‘008 in view of Nicholson and further in view Redlinger.

Claim 21 was rejected under 35 U.S.C. 103(a) as being unpatentable over Rosler in view of Nicholson as applied as claim 16 above and further of U.S. Design Patent No. D 433,562 (Redlinger). Claim 21 is dependent on Claim 16 show above to be allowable over Rosler in view of Nicholson and Redlinger. Thus, Claim 21 is allowable over Rosler in view of Nicholson and Redlinger.

Claim 21 was rejected under 35 U.S.C. 103(a) s being unpatentable over WO ‘008 in view of Nicholson as applied to claim 16 above and further in view of U.S. Design Patent No.

D433,562 (Redlinger). Claim 21 is dependent on Claim 16 shown above to be allowable over WO ‘008 in view of Nicholson. Thus, Claim 21 is allowable over WO ‘008 in view of Nicholson and further in view Redlinger.

Claims 8 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO ‘008 in view of Nicholson and Design Patent No. 409,560 (Shim). Claim 8 recites the same distinguishable limitation as that of Claim 1. Shim teaches an ornamental design for a battery case that has a cross-section shaped as a pair of glasses. Thus, Shim also fails to teach or disclose the distinguishable limitation of Claim 8.

Thus, Claim 8 is allowable over WO ‘008 in view of Nicholson and Shim, as is dependent Claim 14.

Claims 9, 13 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO ‘008 in view of Nicholson and Shim as applied to claim 8 above, and further in view of Redlinger. Claims 9, 13 and 15 are directly or indirectly dependent on Claim 8, shown above to be allowable over WO ‘008 in view of Nicholson and Shim. Thus, Claims 9, 13 and 15 are also allowable over WO ‘008 in view of Nicholson and Shim and further in view of Redlinger.

Claims 8, 12 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rosler in view of Nicholson and Design Patent No. D 409,560 (Shim). As stated above, Rosler fails to teach or suggest that the two hollow bodies elastically deform when the threads engage the teeth during the telescopic fitting of the two hollow bodies.

Thus, Claim 8 is allowable over Rosler in view of Nicholson and Shim, as are dependent Claims 12 and 14 for at least the same reasons.

Claims 9, 13 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rosler in view of Nicholson and Shim as applied to claim 8 above, and further in view of Redlinger. Claims 9, 13 and 15 are dependent on Claim 8 shown above to be allowable over Rosler in view of Nicholson and Shim. Thus, Claims 9, 13, and 15 are allowable over Rosler in view of Nicholson and Shim and further in view of Redlinger.

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Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over WO '008 in view of U.S. Patent No. 5,819,917 (Nicholson) and U.S. Design Patent No. D 433,562 (Redlinger) as applied to claim 1 above and in further view of Design Patent No. 409,560 (Shim). Claim 1 is allowable over WO '008 in view of Nicholson and Redlinger. Thus, Claim 24 is allowable over WO '008 in view of Nicholson and Redlinger and further in view of Shim.

Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Rosler in view of U.S. Patent No. 5,819,917 (Nicholson) and U.S. Design Patent No. D 433,562 (Redlinger) as applied to claim 1 above and in further view of Design Patent No. 409,560 (Shim).

Claim 1 is allowable over Rosler in view of Nicholson and Redlinger. Thus, Claim 24 is allowable over Rosler in view of Nicholson and Redlinger and in further view of Shim.

New Claim 28 is dependent on Claim 1. Thus, Claim 28 is also allowable over the above cited references, taken singly or in combination.

**IV. Conclusion**

In view of the above amendments and remarks, Applicant submits that Claims 1–9, 12–25, and 26–28 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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By: /David R. Metzger/

David R. Metzger

Registration No.: 32,919

SONNENSCHEIN NATH & ROSENTHAL LLP

P.O. Box 061080

Wacker Drive Station, Sears Tower

Chicago, Illinois 60606-1080

(312) 876-8000